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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 11

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF MIGRANT WORKERS

Argentina, Chile, Ecuador, El Salvador, Ethiopia*, Guatemala, Honduras*, Mexico, Morocco, Nicaragua*, Peru, Philippines, Sri Lanka, Tunisia and Turkey*: draft resolution

1998/... International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The Commission on Human Rights,

Reaffirming once more the permanent validity of the principles and standards embodied in the principal instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Bearing in mind the principles and standards established within the framework of the International Labour Organization and the importance of the task carried out in connection with migrant workers and their families in other specialized agencies and in various United Nations bodies,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Concerned at the situation of migrant workers and members of their families and at the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Underlining the importance of the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia taking place in segments of many societies and perpetrated by individuals or groups against migrant workers,

Recalling General Assembly resolution 45/158 of 18 December 1990, by which the Assembly adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, contained in the annex to the resolution,

Considering that the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23) urges all States to guarantee the protection of all migrant workers and their families and invites them to consider the possibility of signing and ratifying the Convention at the earliest possible time,

1. Expresses its deep concern at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrant workers in different parts of the world;

2. Urges countries of destination to review and adopt, as appropriate, measures to prevent the excessive use of force and to ensure that their police forces and competent migration authorities comply with the basic standards relating to the decent treatment of migrant workers and their families, inter alia, through the organization of training courses on human rights;

3. Takes note of the report of the Secretary-General on the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (E/CN.4/1998/75), and welcomes the fact that some Member States have recently ratified and acceded to the Convention;

4. Calls upon all Member States to consider the possibility of signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that this international instrument will enter into force at an early date;

5. Requests the Secretary-General to provide all facilities and assistance necessary for the active promotion of the Convention, through the World Public Information Campaign for Human Rights and the programme of advisory services in the field of human rights;

6. Welcomes the launching of the global campaign for entry into force of the Convention, and invites organizations and agencies of the United Nations system, as well as intergovernmental and non-governmental organizations, to continue and intensify their efforts with a view to disseminating information on and promoting the Convention;

7. Requests the Secretary-General to submit to the Commission at its fifty-fifth session a report on the status of the Convention and on the efforts made by the Secretariat to promote the Convention and the protection of the rights of migrant workers;

8. Decides to include in the provisional agenda of its fifty-fifth session the item entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

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E

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COMMISSION ON HUMAN RIGHTS
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Agenda item 11

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS

Algeria*, Angola*, Argentina, Bangladesh, Bolivia*, Brazil, Cameroon*, Cape Verde, Chile, Colombia*, Costa Rica*, Cuba, Ecuador, Egypt*, El Salvador, Ethiopia*, Guatemala, Guinea, Haiti*, Honduras*, India, Indonesia, Ireland, Italy, Jamaica*, Mexico, Morocco, Mozambique, Nicaragua*, Pakistan, Panama*, Paraguay*, Peru, Philippines, Portugal*, Senegal, Sri Lanka, Trinidad and Tobago*, Tunisia, Turkey* and Uganda: draft resolution

1998/... Migrants and human rights

The Commission on Human Rights,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Affirming that every State party to the International Covenant on Civil and Political Rights must ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in that Covenant,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Reaffirming that every State party to the International Covenant on Economic, Social and Cultural Rights must undertake to guarantee that the rights enunciated in that Covenant will be exercised without discrimination of any kind, including as to national origin,

Deeply concerned at the increasing manifestations of racism, xenophobia and other forms of discrimination and inhuman and degrading treatment against migrants in different parts of the world,

Bearing in mind the situation of vulnerability in which migrants frequently find themselves, owing, among other things, to their absence from their State of origin and to the difficulties they encounter because of differences of language, customs and culture,

Considering that there is a need to make further efforts to improve the situation and ensure the human rights and dignity of migrants,

Recalling its resolution 1997/15 of 3 April 1997,

1. Acknowledges that the principles and standards embodied in the Universal Declaration of Human Rights apply to everyone, including migrants;

2. Requests States, in conformity with their respective constitutional systems, the Universal Declaration of Human Rights and the international instruments to which they are party, which may include the International Covenants on Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other applicable international human rights instruments, effectively to promote and protect the human rights of all migrants;

3. Takes note of the report of the working group of intergovernmental experts on the human rights of migrants (E/CN.4/1998/76);

4. Notes with appreciation that the questionnaire submitted by the working group of intergovernmental experts received, in a short period of time, an unprecedentedly large number of responses from Governments, clearly indicating great interest on the part of the international community in the effective realization of the human rights of migrants and the need to improve knowledge on the obstacles to the realization of those rights;

5. Decides to reconvene the working group of intergovernmental experts, on the same basis, in order that it may fulfil its mandate as set out in paragraph 3 of Commission resolution 1997/15, to meet for two periods of five working days prior to the fifty-fifth session of the Commission;

6. Requests the working group of intergovernmental experts to submit its report to the Commission on Human Rights at its fifty-fifth session under the appropriate agenda item.

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E

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COMMISSION ON HUMAN RIGHTS
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Agenda item 5

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Afghanistan*, Algeria*, Angola*, Argentina, Bangladesh, Belgium*, Bulgaria*, Cameroon*, Cape Verde, Chile, Cyprus*, Colombia*, Congo, Costa Rica*, Côte d'Ivoire*, Cuba, Denmark, Dominican Republic*, Ecuador, Egypt*, El Salvador, Ethiopia*, Finland*, France, Gabon*, Greece*, Guatemala, Honduras*, India, Ireland, Italy, Luxembourg, Madagascar, Malaysia, Mexico, Mongolia*, Morocco, Nepal, Nicaragua*, Peru, Philippines, Poland, Portugal*, Republic of Korea, Romania*, Russian Federation, Rwanda, San Marino*, Senegal, Slovakia*, South Africa, Spain*, Switzerland*, Togo*, Ukraine and Venezuela:
draft resolution

1998/... Human rights and extreme poverty

The Commission on Human Rights,

Recalling that, in accordance with the Universal Declaration of Human Rights, the International Covenants on Human Rights recognize that the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling also that the eradication of widespread poverty, including its most persistent forms, and the full enjoyment of economic, social and cultural rights and civil and political rights remain interrelated goals,

Deeply concerned that, in the year of the fiftieth anniversary of the Universal Declaration of Human Rights, extreme poverty continues to spread throughout the world, regardless of economic, social or cultural situations, and that its extent and manifestations are particularly severe in developing countries,

Bearing in mind the relevant provisions of the Vienna Declaration and Programme of Action (A/CONFERENCE.157/23) adopted by the World Conference on Human Rights,

Recalling its resolution 1997/11 of 3 April 1997, in which it expressed inter alia its satisfaction to the Special Rapporteur for his final report on human rights and extreme poverty,

Recalling also General Assembly resolution 50/107 of 20 December 1995 proclaiming the United Nations Decade for the Eradication of Poverty,

Stressing that, in the Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development, Governments committed themselves to endeavouring to ensure that all men and women, especially those living in poverty, could exercise the rights, utilize the resources and share the responsibilities that would enable them to lead satisfying lives and to contribute to the well-being of their families, their communities and humankind, and committed themselves to the goal of eradicating poverty throughout the world through national actions and international cooperation, as an ethical, social, political and economic imperative of humankind,

Noting with appreciation the report of the Secretary-General on women's real enjoyment of human rights, in particular those relating to the elimination of poverty, economic development and economic resources (E/CN.4/1998/22-E/CN.6/1998/22),

Further noting with satisfaction the report of the High Commissioner for Human Rights (E/CN.4/1998/122),

Welcoming the launching of a plan of action by the Microcredit Summit held at Washington, D.C., in February 1997, to give people living in poverty, particularly women, access to credit for the promotion of self-employment by 2005,

1. Reaffirms that:

(a) Extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

(b) It is essential for States to foster participation by the poorest people in the decision-making process in their communities, in the realization of human rights and in efforts to combat extreme poverty, and for people living in poverty and vulnerable groups to be empowered to organize themselves and to participate in all aspects of political, economic and social life, particularly the planning and implementation of policies that affect them, so enabling them to become genuine partners in development;

2. Recalls that:

(a) To ensure the protection of the rights of all individuals, non-discrimination towards the poorest and the full exercise of all human rights and fundamental freedoms, a better understanding is needed of what is endured by people living in poverty, including women and children, and thought must be given to the subject, drawing on the experience and ideas of the poorest themselves and of those committed to working alongside them;

(b) In its resolution 1997/11, it requested the High Commissioner for Human Rights to give high priority to the question of human rights and extreme poverty, ensure better cooperation between the institutions and bodies involved, regularly inform the General Assembly of the evolution of the question and submit specific information on this question at events such as the evaluation of the World Conference on Human Rights planned for 1998, the special session of the General Assembly devoted to conclusions of the World Summit for Social Development, scheduled for 2000, and the evaluation, at the halfway point in 2002 and the end-point in 2007, of the first United Nations Decade for the Eradication of Poverty;

3. Requests the High Commissioner for Human Rights to include in the mid-term evaluation report on the Vienna Declaration and Programme of Action the progress made regarding the full enjoyment of all human rights and the alleviation of extreme poverty in accordance with the relevant provisions of the Declaration;

4. Calls upon:

(a) The General Assembly, specialized agencies, United Nations bodies and intergovernmental organizations to take into account the contradiction

between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee full enjoyment of human rights;

(b) States and intergovernmental and non-governmental organizations to continue to take into account, in the activities to be undertaken within the framework of the United Nations Decade for the Eradication of Poverty, the links between extreme poverty and human rights, as well as the efforts to empower people living in poverty to participate in decision-making processes on policies that affect them;

5. Invites:

(a) The treaty bodies monitoring the application of human rights instruments, especially the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women and the Committee on the Elimination of Racial Discrimination, to take into account, when considering the reports of States parties, the question of extreme poverty and human rights;

(b) States, the organs of the United Nations system, particularly the Office of the United Nations High Commissioner for Human Rights and UNDP, and intergovernmental and non-governmental organizations to focus the activities undertaken for the International Day for the Eradication of Poverty, 17 October 1998, on "Poverty and human rights in the framework of development", the theme chosen for 1998 in the context of the United Nations Decade for the Eradication of Poverty;

6. Decides to appoint, for a period of two years, an independent expert on the question of human rights and extreme poverty to:

(a) Evaluate the relationship between the promotion and protection of human rights and extreme poverty, including through the evaluation of measures taken at the national and international levels to promote the full enjoyment of human rights by persons living in extreme poverty;

(b) Take into account in particular the obstacles encountered and progress made by women living in extreme poverty as regards the enjoyment of their fundamental rights;

(c) Make recommendations and, as appropriate, proposals in the sphere of technical assistance;

(d) Report on these activities to the Commission on Human Rights at its fifty-fifth and fifty-sixth sessions and to make those reports available

to the Commission on Social Development and the Commission on the Status of Women, as appropriate, for their sessions during the same years;

(e) Contribute to the General Assembly's evaluation in the year 2000 of the World Summit on Social Development by making his final report and his conclusions available to the preparatory committee for the special session of the General Assembly devoted to that evaluation;

(f) Make suggestions to the Commission on Human Rights at its fifty-fifth session on the main points of a possible draft declaration on human rights and extreme poverty so that the Commission can consider the possibility of initiating at the fifty-first session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities the drafting by that body of a text for examination by the Commission and possible adoption by the General Assembly, and to take into account in that regard, inter alia, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Vienna Declaration and Programme of Action, the Copenhagen Declaration and Programme of Action of the World Summit for Social Development, the Agenda for Development and the final report of Mr. Leandro Despouy (E/CN.4/Sub.2/1996/13);

7. Recommends the following draft resolution to the Economic and Social Council:

"...";

8. Decides to examine this question at its fifty-fifth session under the same agenda item.

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Agenda item 11

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF MIGRANT WORKERS

Bangladesh, Belgium*, Cape Verde, Chile, Côte d'Ivoire*, El Salvador, Indonesia, Iraq*, Ireland, Madagascar, Mexico, Morocco, Nepal, Nicaragua*, Pakistan, Peru, Philippines, Portugal*, South Africa and Sri Lanka: draft resolution

1998/... Violence against women migrant workers

The Commission on Human Rights,

Recalling all previous resolutions on violence against women migrant workers adopted by the General Assembly, the Commission on the Status of Women, the Commission on Crime Prevention and Criminal Justice and the Commission on Human Rights, as well as the Declaration on the Elimination of Violence against Women,

Affirming the outcome of the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development and the Fourth World Conference on Women, specifically as they pertain to women migrant workers,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Emphasizing the need for accurate, objective and comprehensive information, as well as for a wide exchange of experiences and lessons learned by individual countries in protecting and promoting the rights and welfare of women migrant workers for policy formulation and joint action,

Noting the large numbers of women from developing countries and from some countries with economies in transition who continue to venture forth to more affluent countries in search of a living for themselves and their families as a consequence of, inter alia, poverty, unemployment and other socio-economic conditions, and acknowledging the duty of sending States to work for conditions that provide employment and security to their citizens,

Concerned by the continuing reports of grave abuses and acts of violence committed against the persons of women migrant workers by some employers in some host countries,

Encouraged by some measures adopted by some receiving States to alleviate the plight of women migrant workers residing within their areas of jurisdiction,

Recognizing the importance of continued cooperation at the bilateral, regional, and international levels in protecting and promoting the rights and welfare of women migrant workers,

1. Takes note of the report of the Secretary General on violence against women migrant workers (E/CN.4/1998/74);

2. Invites Governments, in cooperation with relevant United Nations bodies, other intergovernmental organizations and non-governmental organizations to undertake further research on the causes and consequences of violence against women migrant workers and to develop appropriate national data-collection methodologies that will generate comparable data as bases for research and analyses on the subject;

3. Encourages the Committee on the Elimination of Discrimination against Women to consider developing a general recommendation on the situation of women migrant workers;

4. Requests the working group of intergovernmental experts on the human rights of migrants, within its mandate, to consider the problem of violence against women migrant workers and to elaborate recommendations to strengthen the promotion, protection and implementation of the human rights of women migrant workers;

5. Calls upon concerned Governments, particularly those of sending and receiving countries, if they have not done so, to put in place penal and criminal sanctions to punish perpetrators of violence against women migrant workers and, to the extent possible, to provide the victims of violence with the full range of immediate assistance, such as counselling, legal and consular assistance, temporary shelters and other measures that will allow them to be present during the judicial process as well as establishing reintegration and rehabilitation schemes for returning women migrant workers;

6. Invites the States concerned, specifically the sending and receiving States, to consider adopting appropriate legal measures against intermediaries who deliberately encourage the clandestine movement of workers and who exploit women migrant workers;

7. Encourages States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as the Slavery Convention of 1926;

8. Requests the Secretary-General to submit to the Commission on Human Rights at its fifty-sixth session a comprehensive follow-up report on the problem of violence against women migrant workers, taking into account the views of States and based on the expertise and all available information from authorities and bodies within the United Nations system, intergovernmental organizations and other sources, including non-governmental organizations;

9. Decides to continue to consider the question at its fifty-sixth session under the relevant agenda item.

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NATIONS

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COMMISSION ON HUMAN RIGHTS
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QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Philippines: draft decision

1998/.. Effects of structural adjustment policies on the full enjoyment of human rights

The Commission on Human Rights, recalling its decision 1997/103 of 3 April 1997 and taking note of the notes by the Secretariat in this regard (E/CN.4/1998/26 and E/CN.4/1998/27), in particular the decision of the Bureau of the fifty-third session that the second session of the open-ended working group on structural adjustment programmes and economic, social and cultural rights should be rescheduled to take place after the fifty-fourth session of the Commission on Human Rights, decides:

(a) To authorize the open-ended working group to meet for one week, at least four weeks before the fifty-fifth session of the Commission, to consider the report of the independent expert and the comments received thereon and to report to the Commission;

(b) To request the independent expert appointed by the Chairman of the fifty-third session of the Commission to submit his report for circulation and comment as envisioned in decision 1997/103 and for consideration by the working group;

(c) To request the Secretary-General to provide all necessary assistance and resources to enable the working group to complete its work, including the circulation for comment of the report of the independent expert as envisioned in decision 1997/103, and to provide the independent expert with all the necessary assistance and resources to carry out his mandate.

The Commission recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council, taking note of Commission on Human Rights decision ... of ... 1998, endorses the Commission's decision to authorize the open-ended working group on structural adjustment programmes and economic, social and cultural rights to meet for one week, at least four weeks before the fifty-fifth session of the Commission, to consider the report of the independent expert and comments received thereon and to report to the Commission at its fifty-fifth session. In order that the working group may carry out its mandate, the Council decides:

"(a) To request the Secretary-General to circulate the study of the independent expert to Governments, United Nations bodies, in particular the regional commissions, the specialized agencies, intergovernmental organizations, non-governmental organizations, particularly those involved in development, and academic institutions and organizations representing disadvantaged and vulnerable groups, and to invite them to submit their comments thereon to the working group at its next session;

"(b) Also to request the Secretary-General to invite and encourage non-governmental organizations involved in development and working in the field to participate actively in the sessions of the working group;

"(c) Further to request the Secretary-General to provide all necessary assistance and resources to enable the working group to complete its task and to provide the independent expert with all the necessary assistance and resources to carry out his mandate."

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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 16

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC,
RELIGIOUS AND LINGUISTIC MINORITIES

Russian Federation: draft resolution

1998/... Situation of human rights in Latvia

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and other international instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms for all and to fulfil the obligations they have undertaken under the various international instruments in this field,

Expressing its concern at the outstanding problems of the vast majority of the population of non-Latvian origin permanently residing in Latvia that give rise to violations of human rights of individuals belonging to national minorities,

Concerned about the continuing slow rate of naturalization of permanent residents belonging to national minorities and the low numbers of applications for citizenship,

Expressing its particular concern at the incident in Riga on 3 March 1998, accompanied by acts of violent suppression of peaceful expression of views,

1. Calls upon the Government of Latvia to intensify its efforts at resolving concerns pertaining to national minorities;

2. Urges the Government of Latvia to simplify radically the process of naturalization and urges it in particular to grant citizenship to all children born in Latvia;

3. Encourages the Government of Latvia to continue its efforts to implement the comprehensive Latvian language training programme aimed at strengthening the capacity to teach the Russian-speaking population;

4. Calls upon the United Nations High Commissioner for Human Rights to keep a dialogue with the Government of Latvia in order to obtain substantial progress in the promotion of human rights and fundamental freedoms for all residents, irrespective of their origin, and to inform the Commission thereon;

5. Calls upon the Government of Latvia to implement all the recommendations of international missions and mechanisms concerning the improvement of the human rights situation in Latvia;

6. Decides to consider this matter at its fifty-fifth session.

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Agenda item 16

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC,
RELIGIOUS AND LINGUISTIC MINORITIES

Argentina, Australia*, Austria, Bosnia and Herzegovina*, Chile, Croatia*, Czech Republic, Denmark, Estonia*, Ethiopia*, Finland*, Guatemala, Hungary*, Iceland*, India, Ireland, Italy, Liechtenstein*, Lithuania*, Norway*, Peru, Poland, Portugal*, Republic of Korea, Romania*, Russian Federation, Slovakia*, Slovenia*, Switzerland*, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

1998/... Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Commission on Human Rights,

Recalling General Assembly resolution 47/135 of 18 December 1992, as well as subsequent resolutions on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural heritage of society as a whole,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Concerned by the frequency and severity of disputes and conflicts concerning minorities, and their often tragic consequences, and that persons belonging to minorities are particularly vulnerable to displacement,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities by, inter alia, taking due account of and giving effect to the Declaration,

Welcoming the inter-agency consultation of the United Nations High Commissioner for Human Rights with United Nations programmes and agencies on minority issues,

Recalling its resolution 1995/24 of 3 March 1995, in which the Commission, inter alia, decided to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish, initially for a three-year period, an inter-sessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging to minorities,

Taking note of Sub-Commission resolution 1997/23 of 27 August 1997,

1. Takes note of the report of the Secretary-General on the rights of persons belonging to national or ethnic, religious and linguistic minorities (E/CN.4/1998/90), as well as of the report of the Working Group on Minorities on its third session (E/CN.4/Sub.2/1997/18), and in particular the recommendations contained therein;

2. Reaffirms the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

3. Urges States to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, and to take, as appropriate, the necessary legal and practical measures;

4. Calls upon States to continue to include in their reports to human rights treaty bodies, in accordance with relevant conventions, information on measures taken for the promotion and protection of the rights of persons

belonging to national or ethnic, religious and linguistic minorities, and to consider ways to facilitate contributions from national or ethnic, religious and linguistic minorities in the preparation of national reports;

5. Recommends that the human rights treaty bodies, when considering reports submitted by States parties, give particular attention to the implementation of articles relating to minorities;

6. Calls upon the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities;

7. Requests the United Nations High Commissioner for Human Rights to continue her efforts to improve the coordination and cooperation of United Nations programmes and agencies active in the field of the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

8. Calls upon the High Commissioner to continue to promote, within her mandate, the implementation of the Declaration and to engage in a dialogue with Governments concerned for that purpose;

9. Calls upon all special representatives, special rapporteurs and working groups of the Commission to continue to give attention, within their respective mandates, to situations involving minorities;

10. Commends the role of the Working Group on Minorities of the Sub-Commission as an important forum for reviewing the promotion and practical realization of the Declaration, for examining possible constructive solutions to problems involving minorities, recommending further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national ethnic, religious and linguistic minorities, as well as for its work achieved so far;

11. Decides to extend the mandate of the Working Group with a view to its holding one session of five working days annually;

12. Requests the Secretary-General to provide the Working Group, from within existing resources, with all the necessary services and facilities to fulfil its mandate;

13. Calls again upon States, intergovernmental organizations, United Nations bodies and non-governmental organizations to participate actively in the work of the Working Group, including through written contributions;

14. Requests the Secretary-General to submit to the Commission at its fifty-fifth session a report on the implementation of the present resolution;

15. Decides to continue consideration of this issue at its fifty-fifth session under the same agenda item.

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E

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Agenda item 18

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

Andorra*, Argentina, Armenia*, Australia*, Austria, Bangladesh, Belgium*, Bosnia and Herzegovina*, Bulgaria*, Cameroon*, Canada, Chile, Croatia*, Cuba, Cyprus*, Czech Republic, Denmark, El Salvador, Finland*, France, Germany, Greece*, Guatemala, Iceland*, India, Ireland, Italy, Latvia*, Liechtenstein*, Lithuania*, Luxembourg, Netherlands*, New Zealand*, Peru, Portugal*, Republic of Korea, Romania*, Russian Federation, Slovenia*, Spain*, Sweden*, Switzerland*, Tunisia*, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela: draft resolution

1998/... Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Commission on Human Rights,

Recalling that all States have pledged themselves, under the Charter of the United Nations, to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling also General Assembly resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling further article 18 of the International Covenant on Civil and Political Rights, article 18 of the Universal Declaration of Human Rights, Part II, paragraphs 22 and 38 of the Vienna Declaration and Programme of Action, and other relevant international provisions,

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound, and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others,

1. Takes note of the report of the Special Rapporteur on religious intolerance (E/CN.4/1998/6 and Add.1 and Add.2);

2. Condemns all forms of intolerance and of discrimination based on religion or belief;

3. Encourages the efforts made by the United Nations High Commissioner for Human Rights to coordinate in the field of human rights the activities of relevant United Nations organs, bodies and mechanisms dealing with all forms of intolerance and of discrimination based on religion or belief;

4. Urges States:

(a) To ensure that their constitutional and legal systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without discrimination, including the provision of effective remedies in cases where the right to freedom of religion or belief is violated;

(b) To ensure, in particular, that no one within their jurisdiction is deprived of the right to life or the right to liberty and security of person because of religion or belief, or is subjected to torture or arbitrary arrest or detention on that account;

(c) In conformity with international standards of human rights, to take all necessary action to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, including practices which violate the human rights of women and discriminate against women;

(d) To recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;

(e) To ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate on the grounds of religion or belief;

(f) To exert their utmost efforts, in accordance with their national legislation and in conformity with international human rights standards, to ensure that religious places, sites and shrines are fully respected and protected;

(g) To promote and encourage through the educational system, and by other means, understanding, tolerance and respect in matters relating to freedom of religion or belief;

5. Emphasizes that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

6. Encourages the continuing efforts by the Special Rapporteur to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

7. Stresses the need for the Special Rapporteur to apply a gender perspective, inter alia through the identification of gender-specific abuses, in the reporting process, including in information collection and in recommendations;

8. Calls upon all Governments to cooperate with the Special Rapporteur on religious intolerance and to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

9. Welcomes the work of the Special Rapporteur and reiterates the need for him to be able to respond effectively to credible and reliable information that comes before him, and invites him to continue to seek the

views and comments of Governments concerned in the elaboration of his report, as well as to continue to carry out his work with discretion and independence;

10. Recognizes that the exercise of tolerance and non-discrimination by all actors in society is necessary for the full realization of the aims of the Declaration;

11. Welcomes and encourages the efforts of non-governmental organizations and religious bodies and groups to promote the implementation of the Declaration and invites them to consider what further contribution they could make to its implementation and dissemination in all parts of the world;

12. Decides to extend for three years the mandate of the Special Rapporteur appointed to examine incidents and governmental action in all parts of the world which are inconsistent with the provisions of the Declaration and to recommend remedial measures, as appropriate;

13. Considers it desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and to ensure, as a matter of priority, the widest possible dissemination of the text of the Declaration by United Nations information centres, as well as by other interested bodies;

14. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to carry out his mandate, to submit an interim report to the General Assembly at its fifty-third session and to report to the Commission at its fifty-fifth session;

15. Decides to continue its consideration of the question at its fifty-fifth session under the agenda item entitled "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".

Recalling its resolution 1997/17 of 11 April 1997 on the realization of economic, social and cultural rights in general, and all other relevant resolutions,

Stressing the importance of the realization of economic, social and cultural rights in the context of the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights,

1. Welcomes:

(a) All relevant reports of the United Nations High Commissioner for Human Rights on economic, social and cultural rights;

(b) The relevant activities of intergovernmental and non-governmental organizations;

(c) The work, with special incidence on the visibility, promotion and protection of economic, social and cultural rights, carried out in the framework of the follow-up to relevant United Nations conferences, such as: the World Summit for Children (1990), the United Nations Conference on Environment and Development (1992), the World Conference on Human Rights (1993), the International Conference on Population and Development (1994), the World Summit for Social Development (1995), the Fourth World Conference on Women (1995), the United Nations Conference on Human Settlements (1996) and the World Food Summit (1996);

2. Notes with interest:

(a) The report of the Secretary-General pursuant to Commission resolution 1997/17 (E/CN.4/1998/25);

(b) All resolutions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the realization of economic, social and cultural rights, in particular its resolution 1997/7 of 22 August 1997, on the realization of the right to education, including education in human rights;

(c) The work carried out by the Committee on Economic, Social and Cultural Rights;

(d) The proposals adopted by the Committee at its last sessions to enhance the central role played by the Committee in the promotion and protection of economic, social and cultural rights, (i) aiming at the adoption and implementation of a programme of action for the Committee and (ii) recommending to the Commission the appointment of a special rapporteur on economic, social and cultural rights;

(e) The recommendations adopted by the working group on structural adjustment programmes and economic, social and cultural rights;

3. Reaffirms:

(a) That, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights;

(b) The inextricable link between full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights and the process of development, the central purpose of which is the realization of the potentialities of the human person with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as with a fair distribution of its benefits;

(c) That all persons in all countries are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality;

(d) The universality, indivisibility, interdependence and interrelationship of all human rights and fundamental freedoms and that promoting and protecting one category of rights should therefore never exempt or excuse States from the promotion and protection of other rights;

(e) The importance of international cooperation for the promotion and protection of all human rights, including economic, social and cultural rights;

(f) That the realization of all human rights and fundamental freedoms, and particularly economic, social and cultural rights, is a dynamic process and that, as is evident in today's world, a great deal remains to be accomplished;

4. Calls upon all States:

(a) To give full effect to the universality of economic, social and cultural rights;

(b) To consider signing and ratifying, and the States parties to implement, the International Covenant on Economic, Social and Cultural Rights;

(c) To secure, through national development policies and with international assistance and cooperation, full respect for economic, social and cultural rights, giving priority to the individuals, most often women and girl children, and communities living in extreme poverty and therefore most vulnerable and disadvantaged;

(d) To consider in this context, as appropriate, the desirability of drawing up national action plans identifying steps to improve the situation of human rights in general with specific benchmarks designed to give effect to minimum essential levels of enjoyment of economic, social and cultural rights;

(e) To promote the effective and wide participation of representatives of civil society in decision-making processes related to the promotion and protection of economic, social and cultural rights;

5. Calls upon States parties to the International Covenant on Economic, Social and Cultural Rights:

(a) To submit their reports to the Committee on Economic, Social and Cultural Rights in a regular and timely manner;

(b) To promote a concerted national effort to ensure the participation of representatives of all sectors of civil society in the process of preparation of their periodic reports to the Committee on Economic, Social and Cultural Rights and in the implementation of the recommendations of the Committee;

6. Decides:

(a) As part of its efforts to impart a higher visibility to economic, social and cultural rights, to appoint, for a period of three years, a special rapporteur whose mandate will focus on the right to education, as laid down in article 26 of the Universal Declaration of Human Rights and in the relevant and applicable provisions of the International Covenant on Economic, Social and Cultural Rights, and would comprise the following:

(i) To report on the status, throughout the world, of the progressive realization of the right to education, including access to primary education, and the difficulties encountered in the implementation of this right, taking into account information and comments received from Governments, organizations and bodies of the United Nations system, other relevant international organizations and non-governmental organizations;

(ii) To promote, as appropriate, assistance to Governments in working out and adopting urgent plans of action, wherever they do not exist, to secure the progressive implementation, within a reasonable number of years, of the principle of compulsory primary education free of charge for all, bearing in mind, inter alia, levels of development, the magnitude of the challenge and efforts by Governments;

(iii) To take into account gender considerations, in particular the situation and needs of the girl child, and to promote the elimination of all forms of discrimination in education;

(iv) To make his or her reports available to the Commission on the Status of Women whenever they concern the situation of women in the field of the right to education;

(v) To develop a regular dialogue and discuss possible areas of collaboration with relevant United Nations bodies, specialized agencies and international organizations in the field of education, inter alia United Nations Educational, Scientific and Cultural Organization, United Nations Children's Fund, United Nations Conference on Trade and Development and United Nations Development Programme, and with international financial institutions, such as the World Bank;

(vi) To identify possible types and sources of financing for advisory services and technical cooperation in the field of access to primary education;

(vii) To ensure, to the extent possible, coordination and complementarity with the work carried out in the framework of Sub-Commission resolution 1997/7, in particular the working paper on the right to education to be prepared by Mr. Mustapha Mehedi;

(viii) To submit to the Commission on Human Rights, beginning at its fifty-fifth session a report covering the activities relating to this mandate;

7. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the execution of the mandate:

(a) To invite the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization to submit to the Commission on Human Rights information pertaining to their activities in promoting primary education, with specific reference to women and girls;

(b) To request the High Commissioner for Human Rights to urge all States parties to the International Covenant on Economic, Social and Cultural Rights to submit their comments on the report by the Committee on Economic, Social and Cultural Rights to the Commission on the draft optional protocol for the consideration of communications in relation to the Covenant (E/CN.4/1997/105, annex);

(c) To support the efforts carried out by the High Commissioner for Human Rights to implement the proposed programme of action designed to enhance the ability of the Committee on Economic, Social and Cultural Rights to assist interested Governments in their reporting obligations and its capacity to process and follow up on the examination of those reports and, accordingly, to request States parties to the International Covenant on Economic, Social and Cultural Rights to make voluntary financial contributions to ensure the adequate implementation of that programme of action;

8. Recommends the following decision to the Economic and Social Council for adoption:

> "The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/... of .. April 1998, decides to authorize the Commission, as part of its efforts to impart a higher visibility to economic, social and cultural rights, to appoint, for a period of three years, a special rapporteur whose mandate will focus on the right to education as laid down in article 26 of the Universal Declaration of Human Rights and would comprise the tasks enumerated in paragraphs 6 (i)-(viii) of resolution 1998/... The Council requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the execution of the mandate."

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Fifty-fourth session
Agenda item 12

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

Senegal (on behalf of the African group): draft resolution

1998/.. Recognition of slavery and the slave trade as a crime against humanity

The Commission on Human Rights,

Considering the provisions of the Slavery Convention of 1926 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956,

Bearing in mind article 4 of the Universal Declaration of Human Rights and article 8 of the International Covenant on Civil and Political Rights, which state that no one shall be held in slavery or servitude,

Concerned by the gross violation of human rights and crimes committed against the African peoples on the continent and in the diaspora as a result of slavery and the slave trade, particularly the trans-Atlantic slave trade,

Taking into account the long years of exploitation of Africa through the trans-Atlantic slave trade for the benefit of international commerce, especially in Europe and America,

Conscious of the long-term socio-economic, cultural and political impact of the long years of slavery and the slave trade,

Noting that the slave trade, particularly the trans-Atlantic slave trade, spawned, directly or indirectly, the scourge of racism and reinforced and entrenched racial prejudices and other related intolerance which continue to haunt the international community today,

Recognizing that the trans-Atlantic slave trade was particularly horrendous and flagrant in its magnitude and effect on the African peoples,

Welcoming the fact that other peoples who were subjected to lesser or similar scourges and injustices have received apologies, compensation and reparations,

Mindful of the moral obligation to remember the injustices arising from slavery and the slave trade, especially the trans-Atlantic slave trade, as a gross violation of human rights,

Convinced that African peoples on the continent and in the diaspora deserve apologies for the injustices committed against them through centuries of slavery and the slave trade,

Convinced also that the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights provides an auspicious occasion for the international community to consider this matter,

1. Recognizes the fact that slavery and the slave trade constitute a gross and flagrant violation of human rights against the African peoples and a crime against humanity;

2. Decides to establish an expert group composed of 10 eminent scholars of African history and international jurists, to meet for a period of two weeks prior to the fifty-fifth session of the Commission to examine the extent of the injustices occasioned by, in particular, the trans-Atlantic slave trade and determine the degree of liability of those involved;

3. Requests the expert group to submit its report to the Commission at its fifty-fifth session;

4. Requests the Chairman of the Commission on Human Rights to undertake the necessary consultations for the appointment of the expert group and to ensure that it is provided with all the necessary assistance and resources to discharge its mandate expeditiously;

5. Calls upon all States as well as relevant international organizations and bodies to provide maximum cooperation to the expert group in carrying out its duties;

6. Requests those States which, directly or indirectly, by commission or omission, participated, permitted, facilitated or tolerated slavery and the slave trade to start the process of healing the wounds by offering their apologies to the African peoples concerned;

7. Decides to remain seized of this matter at its fifty-fifth session under the same agenda item;

8. Recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council, taking note of Commission on Human Rights resolution 1998/ ... of ... April 1998, decides to authorize the Commission to establish an expert group composed of 10 eminent scholars of African history and international jurists, to meet for a period of two weeks prior to the fifty-fifth session of the Commission to examine the extent of the injustices occasioned by, in particular, the trans-Atlantic slave trade and to determine the degree of liability of those involved, and to submit its report to the Commission at its fifty-fifth session."

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Agenda item 12

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

Cuba, Israel and Senegal (on behalf of the African group):
draft resolution

1998/.. Recognition of slavery and the slave trade
as a crime against humanity

The Commission on Human Rights,

Considering the provisions of the Slavery Convention of 1926 and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956,

Bearing in mind article 4 of the Universal Declaration of Human Rights and article 8 of the International Covenant on Civil and Political Rights, which state that no one shall be held in slavery or servitude,

Concerned by the gross violation of human rights and crimes committed against the African peoples on the continent and in the diaspora as a result of slavery and the slave trade, particularly the trans-Atlantic slave trade,

Taking into account the long years of exploitation of Africa through the trans-Atlantic slave trade for the benefit of international commerce, especially in Europe and America,

Conscious of the long-term socio-economic, cultural and political impact of the long years of slavery and the slave trade,

Noting that the slave trade, particularly the trans-Atlantic slave trade, strongly contributed to the scourge of racism and reinforced and entrenched racial prejudices and other related intolerance which continue to haunt the international community today,

Recognizing that while slavery has occurred throughout history in various parts of the world, the trans-Atlantic slave trade was particularly horrendous and flagrant in its magnitude, large-scale commercial nature and effect on the African peoples,

Welcoming the fact that other peoples who were subjected to lesser or similar scourges and injustices have received apologies, compensation and reparations,

Mindful of the moral obligation to remember the injustices arising from slavery and the slave trade, especially the trans-Atlantic slave trade, as a gross violation of human rights,

Convinced that African peoples on the continent and in the diaspora deserve apologies for the injustices committed against them through centuries of slavery and the slave trade,

Convinced also that the commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights provides an auspicious occasion for the international community to consider this matter,

1. Recognizes the fact that slavery and the slave trade constitute a gross and flagrant violation of human rights against the African peoples and a crime against humanity;

2. Welcomes the Slave Route Project started by the United Nations Educational, Scientific and Cultural Organization as outlined in resolution 29 C/5 adopted by the General Conference of the organization in November 1997;

3. Calls upon the United Nations Educational, Scientific and Cultural Organization to address, in the context of its Slave Route Project, the question of slavery and the slave trade, giving urgent priority to and placing particular emphasis on the examination of the extent of the injustices occasioned by slavery and the slave trade, notably the trans-Atlantic slave trade, and, in this regard, focusing particular attention on the modalities of slavery and the slave trade, clarifying the short- and long-term consequences

on the African peoples on the continent and in the diaspora and clearly establishing the benefits accrued by those who were involved, as well as the extent of injury of the victims of slavery and the slave trade;

4. Requests the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance to establish a close liaison with those involved in the research programme of the United Nations Educational, Scientific and Cultural Organization and to report on the progress of the research to the Commission at its fifty-fifth session, providing an in-depth assessment of and recommendations on the findings of the United Nations Educational, Scientific and Cultural Organization on the subject from a human rights perspective and advising on how the findings can be utilized to facilitate the bridging of the racial divide spawned by slavery and the slave trade, leading to the realization of a culture of tolerance and peaceful coexistence between races and peoples;

5. Calls upon all States as well as relevant international organizations and bodies to provide maximum cooperation to the researchers of the United Nations Educational, Scientific and Cultural Organization and the Special Rapporteur in carrying out their duties, and upon the High Commissioner for Human Rights to ensure that the Special Rapporteur is provided with all the resources he may require, as a matter of priority, for the expeditious discharge of his mandate;

6. Requests those who, directly or indirectly, by commission or omission, participated, permitted, facilitated or tolerated slavery and the slave trade in particular the trans-Atlantic slave trade, to consider apologizing to the African peoples concerned as a first step in the process of healing the wounds arising from slavery and the slave trade;

7. Decides to remain seized of this matter at its fifty-fifth session under the same agenda item.

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Agenda item 12

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

China, Cuba, Mexico and Senegal (on behalf of the African Group): draft resolution

1998/.. Racism, racial discrimination, xenophobia and related intolerance

The Commission on Human Rights

Reaffirming the Universal Declaration of Human Rights, the Charter of the United Nations, the International Covenants on Human Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming also its firm determination and its commitment to eradicate totally and unconditionally racism in all its forms and racial discrimination, and its conviction that racism and racial discrimination constitute a total negation of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,

Reaffirming further its resolution 1996/21 of 19 April 1996 and recalling General Assembly resolutions 51/79 of 12 December 1996, 52/109 and 52/111 of 12 December 1997 as well as resolution 1996/8 of 23 August 1996 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of General Assembly resolution 45/105 of 14 December 1990, in which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as

apartheid, or resulting from official doctrines of racial superiority of exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Recalling the recommendations of the two World Conferences to Combat Racism and Racial Discrimination, held in Geneva in 1978 and 1983,

Bearing in mind the Vienna Declaration and Programme of Action (A/CONF.157/23), which calls for the speedy and comprehensive elimination of all forms of racism, racial discrimination, xenophobia and related intolerance,

Deeply concerned that, despite continuing efforts, contemporary forms of racism, racial discrimination, any form of discrimination, inter alia against Blacks, Arabs and Muslims, xenophobia, Negrophobia, anti-Semitism and related intolerance persist and are even growing in magnitude, incessantly adopting new forms, including tendencies to establish policies based on racial, religious, ethnic, cultural and national superiority or exclusivity,

Particularly alarmed at the rise of racist and xenophobic ideas in political circles, in the sphere of public opinion and in society at large,

Conscious of the fundamental difference between, on the one hand, racism and racial discrimination as an institutionalized governmental policy or resulting from official doctrines of racial superiority or exclusivity and, on the other hand, other manifestations of racism, racial discrimination, xenophobia and related intolerance taking place in segments of many societies and perpetrated by individuals or groups, some of which are directed against migrant workers and their families,

Reaffirming, in this regard, the responsibility of Governments for safeguarding and protecting the rights of individuals residing in their territory against crimes perpetrated by racist or xenophobic individuals or groups,

Deeply concerned about the fact that the phenomenon of racism and racial discrimination against migrant workers continues to increase despite efforts undertaken by the international community to improve the protection of the human rights of migrant workers and members of their families,

Noting the report of the intergovernmental working group of experts on the human rights of migrants, (E/CN.4/1998/76),

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two Decades for Action to Combat

Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be victims of varied forms of racism and racial discrimination,

Noting also with grave concern that despite the efforts undertaken by the international community at various levels, racism, racial discrimination, xenophobia and related forms of intolerance, ethnic antagonism and acts of violence are showing signs of increase,

Deeply concerned that those advocating racism and racial discrimination misuse new communication technologies, including the Internet, to disseminate their repugnant views,

Aware that racism, being one of the exclusionist phenomena plaguing many societies, requires resolute action and cooperation for its eradication,

Reaffirming that impunity for crimes motivated by racist and xenophobic attitudes contributes to the weakening of the rule of law and tends to encourage the recurrence of such crimes,

Noting General Assembly resolution 48/91 of 20 December 1993, in which the Assembly proclaimed the Third Decade to Combat Racism and Racial Discrimination, beginning in 1993, and adopted the Programme of Action proposed for the Third Decade,

Having examined the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/1998/79),

Observing that the manifestations of contemporary forms of racism, racial discrimination, xenophobia and related intolerance bode ill for the international community, that racist propaganda and incitement to racial hatred are spreading and that racism is taking increasingly violent forms,

Underlining the importance of urgently eliminating growing and violent trends of racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such crimes, and requires resolute action and cooperation for its eradication,

Noting General Assembly resolution 52/111 by which the Assembly decided to convene a world conference against racism and racial discrimination, xenophobia and related intolerance, to be held not later than the year 2001,

Noting also that the Assembly in the same resolution decided that the Commission on Human Rights will serve as the Preparatory Committee for the Conference,

Considering that the World Conference should be action-oriented and aimed at the eradication of contemporary forms of racism, racial discrimination, xenophobia and related intolerance,

I

General

1. Expresses its profound concern and unequivocal condemnation of all forms of racism and racial discrimination, including related acts of racially motivated violence as well as all propaganda activities and organizations which attempt to justify or promote racism, racial discrimination and xenophobia and related intolerance in any form;

2. Declares that racism and racial discrimination are amongst the most serious violations of human rights in the contemporary world and must be combated by all available means;

3. Underlines the importance of effective action to create conditions that foster greater harmony and tolerance within societies;

4. Expresses its deep concern at and condemnation of manifestations of racism, racial discrimination, xenophobia and related intolerance against migrant workers and members of their families and other vulnerable groups in many societies;

5. Calls upon all States to review and, where necessary, revise their immigration policies with a view to eliminating all discriminatory policies and practices against migrants, which are inconsistent with international human rights instruments;

6. Condemns all forms of racial discrimination and xenophobia as regards access to employment, vocational training, housing, schooling, health and access to social services;

7. Categorically condemns any role played by some print, audio-visual or electronic media in inciting acts of violence motivated by racial hatred;

8. Urges Governments to take all necessary measures against incitement to racial hatred, including those through print, audio-visual or electronic media;

9. Calls upon all States, where appropriate, to strengthen their national legislation and institutions for the promotion of racial harmony and

notes the conclusions and recommendations of the Special Rapporteur in this regard, including those on the importance of integration of vulnerable groups in the mainstream societies;

10. Welcomes the active role played by non-governmental organizations in combating racism and assisting individual victims of racist acts;

11. Invites all Governments to take measures, where possible, to provide assistance and rehabilitation to victims of acts of racism, racial discrimination, xenophobia and related intolerance;

12. Encourages the mass media to promote ideas of tolerance and understanding among peoples and between different cultures;

13. Takes note with interest of general recommendation XV (42) of 17 March 1993 of the Committee on the Elimination of Racial Discrimination on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, in which the Committee concluded that the prohibition of the dissemination of all ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as embodied in article 19 of the Universal Declaration of Human Rights, and recalled in article 5 of the Convention;

II

Implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination and coordination of activities

14. Takes note of the report of the Secretary-General on the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (E/CN.4/1998/77, and Add.1 and 2);

15. Regrets the continued lack of interest, support and financial resources for the Third Decade and the Programme of Action, and that very few of the activities planned for the period 1994-1997 were carried out;

16. Recognizes the laudable and generous efforts by donors that have made contributions to the Trust Fund for the Programme for the Decade to Combat Racism and Racial Discrimination, but feels that these financial contributions have proved inadequate and that the General Assembly should consider all ways and means of financing the Programme of Action, including through the United Nations regular budget;

17. Regrets that a detailed report on the financial and personnel resources required for the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination was not presented

at the fifty-second session of the General Assembly and urges the Secretary-General to submit the said report to the Assembly at its fifty-third session, and reiterates its request to the General Assembly to consider the possibility of providing the resources required for the implementation of the Programme of Action for the Third Decade;

18. Warmly calls upon all Governments, United Nations bodies, the specialized agencies and intergovernmental organizations, as well as interested non-governmental organizations, to fully contribute to the effective implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination;

19. Reiterates its request to the United Nations High Commissioner for Human Rights to take duly into account the repeated appeals of the General Assembly and the Economic and Social Council for the establishment of a mechanism within the Office of the High Commissioner for Human Rights as a focal point for coordinating all the activities of the Third Decade before they are carried out by the United Nations;

20. Affirms its determination to combat violence stemming from intolerance on the basis of ethnicity which it also considers an issue of particular gravity;

21. Recommends that States give priority to education as a principal means of preventing and eradicating racism and racial discrimination and of creating awareness of the principles of human rights, particularly among young people, and to the training of law enforcement personnel, inter alia through the promotion of tolerance and respect for cultural diversity;

III

Follow-up activities

22. Welcomes the convening, in Geneva of two seminars, from 5 to 9 May 1997 on immigration, racism and racial discrimination and from 10 to 14 November 1997 on the role of the Internet with regard to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, and takes note of the conclusions and recommendations contained in the reports of the seminars (E/CN.4/1998/77/Add.1 and 2);

23. Also welcomes the Cotonou Seminar of June 1997 and work of the Council of Europe in combating racism, racial discrimination and related intolerance;

24. Invites States to ensure that the competence of their institutions which deal with the promotion and protection of human rights encompasses issues linked to the struggle against racism and racial discrimination, and to promote cooperation, understanding and the exchange of experiences among them;

IV

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

25. Takes note of the report of the Special Rapporteur (E/CN.4/1998/79);

26. Expresses its full support and appreciation for the work of the Special Rapporteur and for its continuation;

27. Requests the Special Rapporteur to continue his exchange of views with Member States and relevant mechanisms and treaty bodies within the United Nations system in order to enhance further their effectiveness and mutual cooperation;

28. Calls upon all Governments, intergovernmental organizations and other relevant organizations of the United Nations system, as well as non-governmental organizations, to supply information to the Special Rapporteur;

29. Urges all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate to examine incidents of contemporary forms of racism, racial discrimination, any form of discrimination, inter alia against Blacks, Arabs and Muslims, xenophobia, Negrophobia, anti-Semitism and related intolerance;

30. Requests the Special Rapporteur to make the fullest use of all appropriate sources of information, including country visits and evaluation of the mass media, and to elicit responses from Governments with regard to allegations;

31. Commends those States that have so far invited and received the Special Rapporteur;

32. Invites the Governments of the States so far visited to consider ways to implement the recommendations contained in the reports of the Special Rapporteur and requests the Special Rapporteur to include in his report to the Commission at its fifty-fifth session, under the same agenda item, information on the measures taken to implement these recommendations, and to undertake follow-up visits, if necessary;

33. Notes with concern the increase in the use of new technologies in communications, in particular the Internet, to disseminate racist ideas and incite racial hatred;

34. Notes that the use of such technology can contribute to combating racism, racial discrimination, xenophobia and related intolerance;

35. Requests the High Commissioner for Human Rights to undertake research and consultations on the use of the Internet for purposes of incitement to racial hatred, racist propaganda and xenophobia and to draw up a programme of human rights education and exchanges over the Internet on experience in the struggle against racism, xenophobia and anti-Semitism;

36. Urges the High Commissioner for Human Rights to provide those countries which were visited by the Special Rapporteur, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

IV

International Convention on the Elimination of All Forms of Racial Discrimination

37. Appeals to those States that have not yet done so to consider ratifying or acceding to the relevant international instruments, particularly the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Discrimination in Education, and calls upon the States that have done so to implement them;

38. Recommends that the issue of universal ratification of the International Convention on the Elimination of All Forms of Racial Discrimination as well as the reservations thereto and the question of the recognition of the competence of the Committee on the Elimination of Racial Discrimination to receive individual complaints be considered at the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance;

39. Calls upon States parties that have not submitted initial or periodic reports in accordance with article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination to do so;

40. Urges States to limit the extent of any reservations they lodge to the International Convention on the Elimination of All Forms of Racial Discrimination and to formulate any reservation as precisely and as

narrowly as possible, while ensuring that no reservation is incompatible with the object and purpose of the Convention or otherwise contrary to international law;

41. Calls upon States parties to the Convention, as appropriate, to adopt immediately positive measures aimed at the elimination of all forms of racial discrimination, xenophobia and related intolerance;

42. Requests the States parties to the Convention that have not yet done so to consider the possibility of making the declaration provided for in article 14 of the Convention;

V

World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance

43. Takes note of the decision of the fifth Committee of the General Assembly that the preparatory process for the World Conference would include Preparatory Committee meetings for a period of five working days each immediately prior to the session of the Commission on Human Rights in the years 2000 and 2001;

44. Decides to create an open-ended working group of the Commission to meet during the fifty-fifth session in order to review and formulate proposals for consideration by the Commission and possible forwarding to the Preparatory Committee at its first session;

45. Recommends to the General Assembly to request the Secretary-General to designate the United Nations High Commissioner for Human Rights as Secretary-General of the World Conference who, in that capacity, will assume the main responsibility for the preparations for the Conference;

46. Invites the Secretary-General of the World Conference to carry out consultations with States aimed at determining the date and venue for the Conference and to report to the Preparatory Committee on the results;

47. Invites the United Nations High Commissioner for Human Rights to devise and implement, with the Department of Public Information of the Secretariat, a world information campaign aimed at sensitizing world public opinion on the importance and objectives of the Conference, to publish in all the official languages an information pamphlet to be made available to non-governmental organizations, the media and the general public, and to inform the Preparatory Committee of developments in this regard;

48. Invites States and regional organizations to set up at the national or regional level a coordination structure responsible for launching and promoting preparations for the World Conference, and especially for sensitizing national public opinion on the importance and objectives of the Conference;

49. Urges the High Commissioner for Human Rights to help States and regional organizations to convene national and regional meetings or undertake other initiatives, including at the expert level, to prepare for the World Conference, and requests the regional preparatory meetings to present to the Preparatory Committee, through the High Commissioner, reports on the results of their deliberations, with concrete and pragmatic recommendations aimed at combating racism, racial discrimination, xenophobia and related intolerance, which will be duly reflected in texts of the draft final documents by the Preparatory Committee of the World Conference;

50. Invites non-governmental organizations to participate fully, in accordance with the rules of procedure of the Economic and Social Council, in the preparatory process, and, in accordance with the objectives of the Conference and based on their experience, to make concrete proposals regarding actions to be undertaken in future, directly or working with Governments, aimed at the fight against the scourge of racism, and to submit their recommendations in this regard to the Preparatory Committee through the High Commissioner;

51. Invites the Committee on the Elimination of Racial Discrimination to give high priority to the preparatory process for the World Conference and to present to the Commission at its fifty-fifth session and to the Preparatory Committee its contribution to the objectives of the Conference, including undertaking a series of studies, and to participate actively in the preparatory process and at the Conference itself;

52. Invites the Sub-Commission for the Prevention of Discrimination and Protection of Minorities to carry out studies without delay, within the framework of the objectives laid down in General Assembly resolution 52/111, and to transmit its recommendations to the Commission at its fifty-fifth session and to the Preparatory Committee through the Commission on Human Rights;

53. Invites the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, beginning with his

report to the Commission at its fifty-fifth session, to draw on his extensive field experience, knowledge and studies to contribute to the work of the Preparatory Committee, including by identifying major issues to be considered within the framework of the objectives of the Conference;

54. Invites the relevant bodies and mechanisms of the United Nations, the specialized agencies and regional and international organizations to contribute effectively to the preparatory process for the Conference and to forward their recommendations to the Preparatory Committee, through the High Commissioner;

55. Invites the United Nations High Commissioner for Human Rights to submit to the Commission at its fifty-fifth session, within existing financial resources, a preliminary analytical study on the objectives of the World Conference as identified by the General Assembly;

56. Requests the United Nations High Commissioner for Human Rights to inform the Preparatory Committee of the steps taken to prepare the World Conference;

57. Invites the High Commissioner for Human Rights to submit to the Commission at its fifty-fifth session and to the Preparatory Committee at its first session, a compendium of references to publications and other works by experts and United Nations, regional and other bodies on the fight against racism, racial discrimination, xenophobia and related intolerance;

58. Recommends to the General Assembly to declare the year 2001 a year of mobilization against racism, racial discrimination, xenophobia and related intolerance aimed at drawing the world's attention to the objectives of the World Conference and to give new momentum to the political commitment;

59. Recommends that the activities of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination be focused towards the preparatory process for the World Conference and, in this regard, recommends that the High Commissioner for Human Rights organize symposiums, seminars and worldwide consultations in 1998, 1999, 2000 and 2001 on racism, racial discrimination, xenophobia and related intolerance;

60. Recommends that the World Conference result in a declaration and a programme of action to combat racism, racial discrimination, xenophobia and related intolerance;

61. Stresses the importance of taking systematically into account a gender perspective throughout the preparations for and the outcome of the World Conference;

62. Requests the Secretary-General to submit a report to the Commission at its fifty-fifth session on the implementation of the present resolution under the agenda item entitled "Racism, racial discrimination, xenophobia and related intolerance";

63. Decides to continue its consideration of the question at its fifty-fifth session under the agenda item entitled "Racism, racial discrimination, xenophobia and related intolerance".

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E

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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 16

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC,
RELIGIOUS AND LINGUISTIC MINORITIES

Pakistan: amendments to draft resolution E/CN.4/1998/L.25

1. In PP 1, delete Preamble. After peace add, pacific settlement of disputes

2. Add PP 1 bis reading as follows:

Recognizing and affirming that all human rights derive from the dignity and worth inherent in the human person and emphasizing the responsibility of all States to develop and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

3. Add PP 3 bis reading as follows:

Convinced that tolerance - the recognition and appreciation of others, the ability to live together with and to listen to others - is the sound foundation of any civil society and of peace,

4. At the end of PP 4 add and groups, regardless of caste, colour, creed and religion

5. Add PP 6 bis reading as follows:

Recognizing the need to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and including desecration of religious sites,

6. Replace PP 7 by the following:

Noting that in this multi-ethnic, multi-religious and multicultural world, tolerance towards different faiths, cultures and practices can ensure peace and cooperation,

7. Add PP 10 bis reading as follows:

Recognizing also the need to oppose all ideologies based on the belief of racial, ethnic, religious, cultural, national, gender or other superiority in order to promote tolerance and pluralism at the national and international levels,

8. Add OP 1 bis reading as follows:

1. Also condemns all practices of social stratification and division based on race, descent or religious belief;

9. At the end of OP 4 (a) add the national and international levels.

10. In OP 5 delete working at the grass-roots level

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Agenda item 17

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Ecuador (on behalf of the Latin American Group): draft resolution

1998/... Assistance to Guatemala in the field of human rights

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on human rights,

Recalling its resolution 1997/51 of 15 April 1997,

Taking note with satisfaction of the report by the members of the mission sent to Guatemala by the Secretary-General (E/CN.4/1998/93),

Expressing its appreciation to the Government of Guatemala and other actors for their cooperation with the mission appointed by the Secretary-General, which has enabled it to carry out its mandate to the full,

Acknowledging that institutionally there no longer exists an established State policy that violates basic human rights or individual guarantees in the country,

Acknowledging also the fundamental contribution that the United Nations Verification Mission in Guatemala (MINUGUA) has made to that end, and in general to the peace process,

Recalling that international cooperation in the field of human rights is one of the purposes of the Charter of the United Nations,

Congratulating the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG), as signatories to the Agreement on a Firm and Lasting Peace, on the successful implementation of all the aspects concerned with the termination of the internal armed conflict,

Expressing its gratification at the progress achieved in the implementation of the peace agreements in Guatemala, which is considered positive and necessary for the consolidation of democracy and the full realization of human rights, particularly civil and political rights,

Considering that, despite this significant progress, the process of execution of the peace agreements has entered upon a phase in which further firm and important decisions are necessary in regard to the implementation of substantive aspects contained mainly in the Agreement on the Strengthening of Civilian Power and on the Role of the Armed Forces in a Democratic Society, the Agreement on Social and Economic Aspects and the Agrarian Situation, and the Agreement on the Identity and Rights of Indigenous Peoples,

Requesting all political parties with parliamentary representation in Guatemala to implement as soon as possible the constitutional reforms, in accordance with what was determined in the peace agreements in order to give them the requisite judicial and constitutional validity,

Considering, in particular, that representatives of the Government of Guatemala jointly with representatives of the Mayan, Garífunas and Xincas organizations are conducting a process of dialogue and negotiation through the joint commissions set up in pursuance of the Agreement on the Identity and Rights of Indigenous Peoples, with the objective of eliminating the long-standing discrimination and exclusion and defining new mechanisms for political, economic, social and cultural participation by the indigenous peoples,

Taking into account the fact that the redefinition of a multicultural, multilingual and multiethnic nation, as also the need to give full legal and

constitutional validity to the agreements, necessitates the constitutional reforms provided for in the peace agreements,

Calling upon the Government of Guatemala to intensify the policies aimed at improving conditions of public security and administration of justice, especially in the fight against impunity,

Expressing its interest in the continuation of progress in dealing with the national agrarian issue and with fiscal policies within the terms and the spirit established in the peace agreements,

Aware of the citizen security problem,

Expressing its confidence that, as stated by the Executive, the participation of the armed forces with the national civil police and the Public Prosecutor's Office will be temporary and subject to civilian authority,

Expressing its concern about the difficulties that have been encountered in the bringing into force and practical application of the Childhood and Youth Code, in conformity with the Convention on the Rights of the Child,

Considering that Guatemala meets the conditions for moving into a new phase of cooperation and technical assistance and that this must be encouraged,

Taking into account the cooperation programmes that Guatemala is receiving from other United Nations bodies,

Welcoming the establishment of a forum for exchange of views between governmental and non-governmental human rights organizations, whose objective must be joint analysis of policies and mechanisms for the protection and promotion of human rights, and urging the participants to consolidate that forum.

1. Commends the work performed by the members of the mission appointed by the Secretary-General, and requests the Government of Guatemala and other actors to take into account the conclusions and recommendations contained in the report submitted by that mission (E/CN.4/1998/93);

2. Declares its support for the actions of MINUGUA, which are contributing to the consolidation of democracy and the effective implementation of the peace agreements, and recommends the extension of its mandate until the completion of the established timetable;

3. Expresses its support for the work of the Commission for Historical Clarification, recommends the Government of Guatemala to

collaborate with that Commission by providing it with all the information it requests, and urges the Government to adopt and promote the recommendations formulated in the Commission's final report;

4. Recalls the importance of the provisions contained in the Comprehensive Agreement on Human Rights, to the effect that it is a humanitarian duty to compensate and/or assist victims of human rights violations, priority being given to those in greatest need, such as uprooted populations, widows, orphans and relatives of missing persons, through measures and programmes of a civil and socio-economic nature, and appeals in furtherance of that objective to the cooperation of the international community;

5. Recommends the Government of Guatemala to ratify all international standards for the protection of human rights and establish all the necessary mechanisms for active participation in their application, and to continue cooperating with the organisms of the United Nations system for the promotion and defence of human rights;

6. Requests the Office of the United Nations High Commissioner for Human Rights, when the agreement on the provision of advisory services in the field of human rights signed between the High Commissioner's office and the Government of Guatemala expires, to renew it, providing assistance particularly to the Office of the Ombudsman, to governmental bodies, and to non-governmental organizations for the protection of human rights, of women and of indigenous populations;

7. Encourages the Government of Guatemala to expedite and intensify the provision of assistance and services to the most vulnerable sectors of the population, in conformity with the content and spirit of the peace agreements, particularly the Agreement on Social and Economic Aspects and the Agrarian Situation;

8. Expresses its wish that the structure and goals of tax and fiscal reform, on which the country's development largely depends, be in accordance with the terms established in the peace agreements;

9. Declares its support for the proposals for reform of the judicial system made by the Commission on the Strengthening of the Justice System, so that they may be implemented and progress made, through duly coordinated action with the Public Prosecutor's Office and the national civil police, towards solving the problem of citizen security;

10. Requests the Government of Guatemala and the indigenous peoples' organizations to give effect as soon as possible to the undertakings agreed to in the framework of negotiations and decisions of the joint commissions;

11. Encourages State organisms and all sectors of Guatemalan society to give effect as soon as possible to the commitments entered into with the signing of the Convention on the Rights of the Child;

12. Requests the acceleration of the mechanisms to facilitate the full integration of all demobilized persons into the country's civilian and productive life;

13. Urges the international community, and in particular the United Nations, to continue providing, especially in this transitional phase, their support to Guatemala, in order to achieve complete and timely implementation of the agreements signed and full realization of fundamental human rights, supplying and increasing the technical and financial resources necessary for the execution of all the agreements;

14. Decides to conclude its consideration of the human rights situation in Guatemala.

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E

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Agenda item 20

RIGHTS OF THE CHILD

Bangladesh, Botswana, Democratic Republic of the Congo, Ethiopia*, Portugal*, Rwanda and Uganda: draft resolution

1998/.. Abduction of children from northern Uganda

The Commission on Human Rights,

Recalling the principles set out in the Universal Declaration of Human Rights, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention for the Suppression of the Traffic in Persons and the exploitation of the Prostitution of Others, the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights,

Recalling the findings and recommendations of the report of the expert of the Secretary-General on the impact of armed conflict on children (A/51/306 and Add.1),

Recalling also the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights in 1993 which expressed concern about violations of human rights during armed conflicts affecting the civilian population, especially women, children, the elderly and the disabled,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling further the obligation of States parties to respect and strictly observe international humanitarian law in accordance with the Geneva Conventions for the protection of war victims of 1949, the Additional Protocols thereto of 1977 and other principles of international law,

Acknowledging the concern expressed in the concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.80) about the abduction, killing and torture of children, as well as the recruitment of children as child soldiers, in northern Uganda,

Recognizing the urgent need for the adoption of effective measures, nationally, regionally and internationally, to protect the civilian population, especially women and children, in northern Uganda from the effects of armed conflict,

Expressing profound concern over the continuing abduction, torture, detention, rape and forced recruitment of children from northern Uganda,

1. Takes note of the findings and recommendations contained in the reports issued in 1997 by United Nations bodies and organizations and non-governmental organizations on the abduction of children from northern Uganda;

2. Concurs with the comments of the Committee on the Rights of the Child on the involvement of children in the conflict in northern Uganda, in particular the recommendation on measures to stop the killing and abduction of children and the use or children as child soldiers;

3. Condemns in the strongest terms all parties involved in the abduction, torture, killing, rape, enslavement and forceful recruitment of children in northern Uganda, particularly the Lord's Resistance Army;

4. Demands the immediate cessation of all abductions and attacks on all civilian populations and in particular women and children, in northern Uganda by the Lord's Resistance Army;

5. Calls for the immediate and unconditional release and safe return of all abducted children currently held by the Lord's Resistance Army;

6. Requests the United Nations Voluntary Fund for Victims of Torture, established by the General Assembly in its resolution 36/151 of 16 December 1981, to provide assistance to the victims and their families suffering from the effects of torture inflicted by the Lord's Resistance Army;

7. Urges all Member States, international organizations, humanitarian bodies and all other concerned parties with any influence on the Lord's Resistance Army, to use all available resources and means to force it to release, immediately and unconditionally, all children abducted from northern Uganda;

8. Demands that all parties external to the conflict in northern Uganda supporting, directly or indirectly, the continuing abduction and detention of children by the Lord's Resistance Army to cease immediately all such assistance and collaboration;

9. Calls upon the Committee on the Rights of the Child to take all appropriate measures to monitor consistently the situation of the abduction of children and their involvement in armed conflicts, particularly in northern Uganda;

10. Requests the Special Representative of the Secretary-General on children in armed conflict, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the Office of the High Commissioner for Human Rights and all relevant organizations, agencies and bodies of the United Nations system to address this situation as a matter of priority;

11. Requests the Secretary-General to report on the implementation of the present resolution to the General Assembly at its fifty-fourth session and, through the Economic and Social Council, to the Commission at its fifty-fifth session;

12. Decides to continue consideration of this question at its fifty-fifth session, under the same agenda item.

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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Colombia* (on behalf of the Non-Aligned Movement and China): draft resolution

1998/.. Enhancement of international cooperation in the field of human rights

The Commission on Human Rights,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, for enhancing genuine cooperation among Member States in the field of human rights,

Recalling General Assembly resolutions 51/100 of 12 December 1996 and 52/134 of 12 December 1997,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purpose of the United Nations, including the effective promotion and protection of all human rights,

Reaffirming the importance of ensuring the principle of the universality, objectivity and non-selectivity of consideration of human rights issues, and underlining the importance of the promotion of mutual understanding, genuine dialogue and cooperation on human rights issues,

Taking note of the adoption of resolution 1997/38 of 28 August 1997 entitled "Promotion of dialogue on human rights issues" by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its fifty-fifth session,

1. Welcomes the statement made by the Chairman of the Commission on Human Rights at the 70th meeting of its fifty-third session, on 18 April 1997 (E/1997/23-E/CN.4/1997/150, para. 34), and recognizes the need to build on this initiative;

2. Calls upon Member States, intergovernmental organizations and specialized agencies to continue to carry out constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

3. Requests all relevant United Nations human rights mechanisms and procedures to pay due attention to the important role of international cooperation, mutual understanding and genuine dialogue in ensuring the promotion and protection of human rights;

4. Requests the Secretary-General to submit to the Commission on Human Rights at its fifty-fifth session a report on ways and means of enhancing the international cooperation, dialogue and mutual understanding in the field of human rights;

5. Decides to continue the consideration of this question at its fifty-fifth session.

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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Colombia* (on behalf of the Non-Aligned Movement and China): draft resolution

1998/.. Enhancement of international cooperation in the field of human rights

The Commission on Human Rights,

Reaffirming its commitment to promoting international cooperation, as set forth in the Charter of the United Nations, in particular Article 1, paragraph 3, as well as relevant provisions of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993, for enhancing genuine cooperation among States in the field of human rights,

Recalling General Assembly resolution 52/134 of 12 December 1997,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purpose of the United Nations, including the effective promotion and protection of all human rights,

Reaffirming the importance of ensuring the principle of the universality, objectivity and non-selectivity of consideration of human rights issues, and underlining the importance of mutual understanding, dialogue and genuine cooperation on human rights issues,

Taking note of the adoption of resolution 1997/38 of 28 August 1997 entitled "Promotion of dialogue on human rights issues" by the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-ninth session,

1. Calls upon States, intergovernmental organizations and specialized agencies to continue to carry out constructive dialogue and consultations for the enhancement of understanding and the promotion and protection of all human rights and fundamental freedoms, and encourages non-governmental organizations to contribute actively to this endeavour;

2. Invites States and all relevant United Nations human rights mechanisms and procedures to pay continued attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of human rights;

3. Decides to continue the consideration of this question at its fifty-fifth session.

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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Islamic Republic of Iran* and Philippines: draft resolution

1998/... Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region

The Commission on Human Rights,

Recalling resolution 45/2 adopted by the Economic and Social Commission for Asia and the Pacific on 5 April 1989,

Recalling also its resolution 1997/45 of 11 April 1997 on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region and welcoming the call to practical action on this issue by the United Nations High Commissioner for Human Rights,

Recognizing the valuable contribution that independent national institutions and non-governmental organizations can make in the field of human rights to the concept of regional arrangements,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Welcoming the convening of the sixth workshop on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region held in Tehran from 28 February to 2 March 1998,

1. Welcomes the report of the Secretary-General (E/CN.4/1998/50) and the progress achieved in the implementation of Commission on Human Rights resolution 1997/45;

2. Also welcomes the conclusions of the regional workshops on various human rights issues which have been held in the Asian and Pacific region, including the workshop held in Manila from 7 to 11 May 1990, the workshop held in Jakarta from 26 to 28 January 1993, the workshop held in Seoul from 18 to 20 July 1994, the workshop held in Kathmandu from 26 to 28 February 1996 and the workshop held in Amman from 5 to 7 January 1997;

3. Endorses the conclusions of the sixth workshop including the Framework for Regional Technical Cooperation in the Asian and Pacific Region (E/CN.4/1998/50, annex II) adopted at the workshop to strengthen national capacities for the promotion and protection of human rights in the region;

4. Commends the efforts of the Government of the Islamic Republic of Iran as the host of the sixth workshop on regional arrangements for the promotion and protection of human rights in the Asian and Pacific region;

5. Notes the contribution of representatives of non-governmental organizations to the workshop;

6. Also notes that the Asian and Pacific countries have developed a number of models of national institutions in accordance with their own national conditions;

7. Further notes that national institutions can make an important contribution to the ongoing process of developing regional human rights arrangements in the Asian and Pacific region, including in areas such as human rights education, mutual cooperation and information sharing, and welcomes, in this respect, the work of the Asia-Pacific Forum of National Human Rights Institutions;

8. Encourages all Governments in the Asian and Pacific region to consider making use of the facilities offered by the United Nations, under the programme of advisory services and technical cooperation for the promotion and protection of human rights, to further strengthen national human rights capacities, and in this regard calls upon the High Commissioner to give adequate attention to the programme;

9. Encourages States in the Asian and Pacific region to hold regional and subregional workshops, seminars and information exchanges designed to strengthen regional cooperation for the promotion and protection of human rights with the assistance of the Office of the High Commissioner for Human Rights;

10. Also encourages all States and regional and subregional organizations in the Asian and Pacific region to develop programmes for human rights education in that region;

11. Requests the Secretary-General to submit to the Commission at its fifty-fifth session a further report incorporating information on the progress achieved in the implementation of the present resolution;

12. Decides to continue its consideration of the question at its fifty-fifth session under the agenda item entitled "Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission".